IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.324 OF 2005

...

M/s.Tirath Engineers ...Petitioners

v/s.

Union of India & Ors. ...Respondents

...

Mr.U.S.Samudrala for the Petitioner.

Mr.Suresh Kumar for the Respondents.

...

CORAM: D.K.DESHMUKH, J.

DATED: 21ST NOVEMBER,2005

P.C.:

1. It appears that there is some contradictions in the order dated 29th October, 2004 which directs the parties to appear before the Umpire, at the same time

it directs the joint Arbitrators to pass the Award within three months from 29-10-2004. Even in that case the joint Arbitrators could have made the award within three months from 24-10-2004 i.e. on or before 29-1-2005. The award has been made by the joint Arbitrators admittedly on 26-2-2005.

2. Therefore, taking any view of the matter the award made by the Joint Arbitrators, which is impugned in the petition is contrary to the order dated 29-10-2004 made by the Hon'ble Chief Justice in Arbitration Application No.52 of 2004. The award made by the joint Arbitrators dated 26-2-2005 is, therefore, set aside. As per the order dated 29th October, 2004 the Umpire is directed to take over the proceedings and make the award as expeditiously as possible in accordance with law. Petition disposed of.

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